REMARKS

This Amendment is responsive to the non-final Office Action[1] of May 4, 2006. Claims 1, 3, 5-10, 13-18, and 21-33 were presented for examination. All claims were rejected as detailed below. Claims 1, 10, 18, 28 and 33 are independent claims. Claims 1, 18 and 28 are amended herein. No new matter is added. Claims 21 and 33 are canceled without prejudice or disclaimer. No claims are added. Claims 1, 3, 5-10, 13-18 and 22-32 are pending.

Applicant has amended the specification to correct for a typographical error. No new matter is added.

The Rejections:

Claims 1, 3, 5, 9, 28 and 30-32 are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris et al., U.S. Patent No. 5,751,789 (referred to hereinafter as "Farris") in view of Minarczik et al., U.S. Patent No. 5,790,631 (referred to hereinafter as "Minarczik").

Claim 6 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik and further in view of well known Prior Art (MPEP 2144.05).

---

1 The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

Claim 7 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik and further in view of Ehreth U.S. Patent No. 6,246,750 B1 (referred to hereinafter as "Ehreth").

Claim 8 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik and further in view of McKenna et al. U.S. Patent No. 6,829,486 B2 (referred to hereinafter as "McKenna").

Claims 10, 14, 15, 16 and 17 are rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina et al., U.S. 2004/0214569 A1 (referred to hereinafter as "Cardina")in view of Minarczik and Sendrowicz U.S. 2003/0134598 A1 (referred to hereinafter as "Sendrowicz").

Claim 13 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Minarczik and Sendrowicz, and further in view of well known prior art(MPEP 2144.05).

Claims 18 and 23-26 are rejected under 35 U.S.C. §102(e) as being *anticipated* (?) by Cardina in view of Sendrowicz. [*Applicant has interpreted this to mean - rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz in view of the discussion of claim 18 in the body of the Office Action*].

Claim 22 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz and further in view of well known Prior Art (MPEP 2144.05).

Claim 27 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz and further in view of McKenna.

Claim 21 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz and further in view of Minarczik.

Claim 29 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik, and further in view of Patron et al., (U.S. 2005/0063333 A1) (referred to hereinafter as "Patron").

Claim 33 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Sendrowicz.

Applicant respectfully traverses these rejections for the following reasons.

Independent Claims 1 and 28:

Consider, for example, independent claims 1 and 28 which are rejected under 35 U.S.C. §103(a) as being un-patentable over Farris in view of Minarczik.

- Claim 1 recites, *interalia*: "wherein the wireless transceiver is configured to relay data from other wireless transceivers that have lost connectivity to the wireline network."
- Claim 28 recites, *interalia*: "wherein the wireless transceiver is configured to relay data from other wireless transceivers in the other NIUs when connectivity on their respective wireline connections fails."

On page 3 of the Office Action, the Examiner states that Farris fails to disclose this limitation of claim 1 and on page 14 of the Office Action the Examiner states that Farris fails to disclose this limitation of claim 28, and Applicant agrees with both statements. The Examiner then relies upon Minarczik to disclose:

> "...a method in which a wireless transceiver connects to a telephone line network terminal, in place of a disabled drop cable, (abstract, lines 1-2); as shown in figure 2, a temporary repair is made using wireless transceivers. A wireless transceiver is positioned in the customer premises of the disabled drop cable which communicates with a wireless transceiver positioned in the customer premises of a subscriber with an enabled telephone line connection, this permit a person at the premises of a disable cable to make and receive calls using the standard telephone station equipment (col. 6, lines 5-17, 34-42, 52-59). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention for the wireless transceiver be configured to relay data from other wireless transceivers that have lost connectivity to the wireline network as suggested by Minarczik, the motivation being to provide a temporary wireline service from the neighbors' wireline equipment."

(Office Action pgs 3-4 relative to claim 1 and pg. 14 relative to claim 28, underline emphasis added.) But, this is an erroneous interpretation of the operation of Minarczik. Contrary to the Office Action's above-quoted statement, there is no neighbors' wireline equipment involved in the solution disclosed in Minarczik. A wireless transceiver in the customer premises of the disabled drop cable does not communicate with a wireless transceiver positioned in the customer premises of a subscriber with an enabled telephone line connection. Rather, Minarczik merely discloses what Applicant visualizes as a *wireless jumper* to bridge the gap or break in the wireline of the customer which is experiencing the telephone cable failure.

In Fig. 1 in Minarczik, cable 17b is shown by dashed lines as having been "cut." In Fig. 2 in Minarczik, a cordless transceiver 29 communicates via its antenna 31 to the antenna 27 of base station transceiver 25, merely *jumping* by wireless transmission over the "cut" wireline cable. Granted that a neighbor is shown in Fig. 2, but that neighbor is

merely depicted in the Fig. and not involved in the wireless solution offered/taught by Minarczik. This is discussed clearly in Minarczik:

> "More specifically, a technician disconnects the drop cable from a telephone line terminal (network terminal) of the customer's telephone line, i.e. at a point still connected to the telephone switching system serving the particular customer's line. In place of the drop cable, the technician connects a first wireless transceiver to the line through the telephone line terminal. The drop cable also is disconnected from a network interface device that is connected to customer premises telephone wiring. The technician then connects a second wireless transceiver to the customer premises telephone wiring, e.g. through the network interface device." (Minarczik, column 3, lines 52-62)

> More specifically, the one technician opens the pedestal 15 and disconnects the damaged drop cable 17b. In its place, the technician connects a base station transceiver 25. The base station transceiver 25 sends and receives wireless telephone type signals, via an antenna 27. The technician also opens the NID 19b, and connects a cordless transceiver 29 in place of the drop cable. The cordless transceiver 29 sends and receives wireless telephone type signals, via an antenna 31. (Minarczik, column 6, lines 9-17)

These sections of Minarczik say that a technician removes the wireline cable ("drop cable") from a terminal on the side of the cut cable that is connected to the telephone company's switching system (central office), and connects a first wireless transceiver to the terminal. Then, the technician disconnects the remaining wireline cable ("drop cable") from the customer's premises by removing it from a network interface device that is connected to the customer's premises wiring, and connects a second wireless transceiver to the network interface device.

The result is that two wireless transceivers are now in wireless communication with each other, one being connected to a terminal with wireline connection back to the central office of the telephone company and the other being connected to a network

interface device with wireline connection into the premises of the disrupted customer. Thus, the broken, or cut, "drop cable" has been effectively "*jumpered*" by a wireless communication path. This has nothing at all to do with any neighbor's wireline or wireless connection, despite the appearance in Figs. 1 and 2 of Minarczik of "the neighbor." Therefore, the Office Action has clearly misinterpreted the teachings of this reference.

In view of the above, Minarczik, does not disclose or suggest : "wherein the wireless transceiver is configured to relay data from other wireless transceivers that have lost connectivity to the wireline network" as recited in claim 1.

Further, in view of the above, Minarczik does not disclose or suggest: "wherein the wireless transceiver is configured to relay data from other wireless transceivers in the other NIUs when connectivity on their respective wireline connections fails" as recited in claim 28.

As noted above, the Office Action admits that Farris[2] fails to disclose these claim elements. The other cited references which are cited for other reasons do not cure this deficiency of Minarczik. Therefore, the 35 U.S.C. § 103(a) rejection of claims 1 and 28 should be withdrawn and the claims allowed.

Independent Claim 10:

Claim 10, is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Minarczik and Sendrowicz. Claim 10 recites, *interalia*:

---

[2] Although Applicant has not substantively addressed applicability of Farris to any of the claim elements against which it is being applied because of the major deficiency in Minarczik, Applicant does not acquiesce in the application of Farris to its claims and reserves its rights to refute Farris in subsequent responses.

"automatically establishing a connection to the network service provider over a wireless connection relayed via one or more other network subscribers when the wireline connection fails." The Office Action, page 7, states that Cardina fails to disclose this limitation and Applicant agrees. The Examiner again relies upon Minarczik to show this limitation:

> "Minarczik teaches that a disabled subscriber drop is replaced with a wireless transceiver for connecting to the wireline service via a transceiver positioned at the *neighbor* premises for temporarily obtaining wireline serice from the *neighbor's* wireline connection (see Fig. 2, col. 6, lines 5-17, 34-42, 52-59)."

(Office Action pg. 7, emphasis added.) Again, this is an erroneous interpretation of the operation of Minarczik. There is no neighbor's equipment involved in the solution to the cut cable problem disclosed in Minarczik, for reasons given above with respect to claims 1 and 28.

In view of the above, Minarczik does not disclose or suggest "automatically establishing a connection to the network service provider over a wireless connection relayed via one or more other network subscribers when the wireline connection fails" as recited in claim 10. Since the Office Action admits that Cardina[3] fails to disclose this limitation and since Minarczik does not disclose or suggest this limitation per the above discussion, and since the other cited references, cited for other reasons, fail to cure this deficiency of Minarczik, the 35 U.S.C. § 103(a) rejection of claim 10 should be withdrawn and the claim allowed.

---

[3] Although Applicant has not substantively addressed applicability of Cardina to any of the claim elements against which it is being applied because of the major deficiency in Minarczik, Applicant does not acquiesce in the application of Cardina to its claims and reserves its rights to refute Cardina in subsequent responses.

Independent Claim 18:

Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz. However claim 18 is currently amended to include the limitations of claim 21. Therefore, currently amended claim 18 recites, *interalia*: "providing backup network connectivity via a wireless network implemented over a plurality of network nodes located at residences of subscribers of the network service provider by relaying data to a first node in the wireless network that has an active wireline connection to the network service provider." Claim 21 is rejected under 35 U.S.C. §103(a) as being un-patentable over Cardina in view of Sendrowicz and further in view of Minarczik. The Office Action, page 12, states that "Cardina and Sendrowicz disclose the method of claim 18, but fails to disclose the step of "providing the backup network connectivity by relaying data to a first node in the wireless network that has an active wireline connection to the network service provider" and Applicant agrees. The Examiner again relies upon Minarczik to show this limitation:

> Minarczik teaches that a disabled subscriber drop is replaced with a wireless transceiver for connecting to the wireline service via a transceiver positioned at the *neighbor* premises for temporarily obtaining wireline ser[v]ice from the *neighbor's* wireline connection (see Fig. 2, col. 6, lines 5-17, 34-42, 52-59)."

(Office Action pgs. 12-13, emphasis added.) Again, this is an erroneous interpretation of the operation of Minarczik. There is no neighbors' equipment involved in the solution to the problem of the cut cable in Minarczik, for reasons given above with respect to claims 1 and 28.

In view of the above, Minarczik does not disclose or suggest "providing backup network connectivity via a wireless network implemented over a plurality of network nodes located at residences of subscribers of the network service provider by relaying data to a first node in the wireless network that has an active wireline connection to the network service provider;" as recited in currently amended claim 18. Since the Office Action admits that the combination of Cardina and Sendrowicz fails to disclose this limitation and since Minarczik does not disclose this limitation for reasons given above, and since the other cited references, which are cited for other reasons, fail to cure this deficiency of Minarczik, the 35 U.S.C. § 103(a) rejection of claim 18 should be withdrawn and the claim allowed.

Independent claim 33 is canceled without prejudice or disclaimer.

All pending independent claims, claim 1, 10, 18 and 28 have been addressed and have been shown to be allowable over the references cited. Claims 3-9, dependent from allowable claim 1, are allowable at least for reasons based on their dependency, directly or indirectly, from an allowable base claim. Claims 13-17, dependent from allowable claim 10, are allowable at least for reasons based on their dependency, directly or indirectly, from an allowable base claim. Claims 22-27, dependent from allowable claim 18, are allowable at least for reasons based on their dependency, directly or indirectly, from an allowable base claim. Claims 29-32, dependent from allowable claim 28, are allowable at least for reasons based on their dependency, directly or indirectly, from an allowable base claim.

All pending claims have been addressed hereinabove, and all have been shown to be allowable over the cited references. There may be additional reasons why the

dependent claims are allowable over the cited references based on their individual recitations, and Applicant reserves its rights to argue for patentability of the dependent claims for these and other reasons.

In addition, in accordance with MPEP 2143 a *prima facie* case of obviousness can be refuted on the basis of any one of three criteria, and only one of those criteria is discussed herein. Applicant reserves its rights to argue for patentability of the claims herein based on any or all of these three criteria in subsequent responses.

CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks. It is respectfully submitted that all claims and, therefore, this application are in condition for allowance.

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (508)-625-1323.

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Respectfully submitted,

Date:August 4, 2006

/Eden U.I. Stright/ Reg. No. 51,205 for
Joel Wall
Attorney for Applicant
Registration No. 25,648

Verizon Corporate Services Group Inc.
c/o Eden Stright
Verizon
Patent Management Group
1515 Courthouse Road, Suite 500
Arlington, VA 22201-2909
Tel: 703.351.3586
Fax: 703.351.3665
CUSTOMER NO. 32127